

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENE-FABRICIO: DIAZ,
JUAN-JOSE: VADO,
Sramineus Homo, US Vessel

No. C-08-0835 MMC

ORDER OF DISMISSAL

Libellant,
v.

CITI BANK, US Vessel
DOES, ROES, and MOES 1-100, et al.,
US Vessel sand

Libellees,

RENE-FABRICIO: DIAZ
JUAN-JOSE: VADO
Lien Holders of the Vessel, the Real Party
In Interest, Lawful Man
Injured Third Party Intervenor/ Petitioner/
Libellant,

v.

CITI BANK, U.S. Vessel,
DOES, ROES, and MOES 1-100, et al.,
US VESSELS
INDIVIDUALLY AND SEVERALLY
Third Party Defendants/Libellees

On February 12, 2008, the Court ordered Rene-Fabricio Diaz and Juan-Jose Vado
(collectively, "petitioners") to show cause, no later than February 29, 2008, why the instant

1 “Petition for Libel of Review of an Administrative Judgment” (“Petition”), should not be
2 dismissed in light of petitioners’ having failed to allege any facts that could state a claim
3 under either state or federal law, and having failed to allege the existence of an
4 administrative decision.¹

5 On February 29, 2008, petitioners filed three documents, titled, respectively, “Notice
6 of Appointment of Fiduciary Trustee,” “Notice of Acceptance of Oath of Office and Bond,”
7 and “Memorandum of More Definitive [sic] Statement”; in none of such documents,
8 however, did petitioners state facts that would support a cognizable claim for relief.
9 Accordingly, by order filed March 11, 2008, the Court dismissed the petition for failure to
10 state a claim, and afforded petitioners the opportunity to file, no later than April 7, 2008, an
11 amended complaint curing the deficiencies noted.

12 On April 7, 2008, petitioners filed six documents, the first three of which are titled,
13 respectively, “Certificate of Service,” “Letter Rogatory,”² and “Notice to Show Cause.” The
14 latter three documents consist of a copy of an order in an apparently unrelated proceeding
15 in the Northern District of Ohio, and copies of two news articles concerning the state of the
16 American legal system. Petitioners fail to explain the significance of said documents, and
17 the documents appear wholly unrelated to the allegations made against the defendant to
18 the instant action.

19 In sum, having been afforded multiple opportunities to state a claim, petitioners have
20 failed to state facts describing their cause of action and alleged injury, or to assert any
21 cognizable legal theory upon which petitioners could potentially recover. Under such

22
23 ¹ Petitioners allege, for example, “all parties are U.S. Vessels and fit the legal
24 definition of a U.S. Vessel.” (See Pet. ¶ 15.) Contrary to such assertion, petitioners are
25 individuals and have named a banking institution as a defendant. Petitioners further allege
26 “[t]he cargo is shipped via U.S. Postal Service and all parties are subject to the Postal
Codes in this instant action,” (see *id.* ¶ 18), and assert the “Law of the flag: Man is created
in the image of God and to reduce a man to chattel against the national debt is an affront to
God. Exodus, 13:16 and Genesis 1:27,” (see *id.* ¶ 10).


27 ² This document states, *inter alia*: “Your company, UNITED STATES DISTRICT
28 COURT inc. holds itself out as an article three court when in fact it is an administrative
department of the executive branch of the private defacto governing corporation doing
business as THE UNITED STATES inc.” (See Pets.’ “Letter Rogatory” at 2:6-9.)

1 circumstances, the Court finds further amendment would be futile.

2 Accordingly, the above-titled action is hereby DISMISSED without further leave to
3 amend, for failure to state a claim.

4 **IT IS SO ORDERED.**

5 Dated: April 10, 2008

6 
7 MAXINE M. CHESNEY
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28